IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WA.No. 1301 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.27833/2006
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APPELLANT: 1ST RESPONDENT

THE SULTHANBATHERY SERVICE CO.OPERATIVE
BANK LTD. NO.LL 11,
SULTHANBATHERY P.O.,
REP.BY ITS SECRETARY.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS: PETITIONER/RESPONDENT 2:
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1. RAJENDRA BABU,
S/O.P.K.KUNJAN, AGED 26 YEARS,
RESIDING AT KOMMATH HOUSE, KOZHUVANA P.O.,
THAZHATH, SULTHANBATHERY.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), WAYANAD, KALPETTA.

BY ADV. SRI.ABRAHAM MATHEW
GOVERNMENT PLEADERSRI.K.SANDESH RAJA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 12/09/2007, ALONG WITH WA NO. 828 OF 2007
WA NO. 1302 OF 2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

K.S. Radhakrishnan & A.K. Basheer, JJ.

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withdrawn. While preparations were on to conduct interview, a youth Organization staged agitation against the conduct of interview. The Society then cancelled the entire selection process and they have taken a decision to conduct a fresh selection. Aggrieved by the same, some of the persons who had participated in the written test have approached this Court to complete the selection process.

4. Learned single Judge perused the resolution passed by the Society and noted that the Society had no case that there was any irregularity in the conduct of written test, but only reason mentioned in Ext.P2 was that there were paper reports about the manner in which written test was conducted and also with regard to objection raised by a youth Organization. The learned single Judge found those reasons are not sufficient to cancel the written test and directed the Bank to complete the selection process.

5. Learned counsel appearing for the appellant Bank submits that the decision taken by the Board of Directors on 22/6/2006 was approved by the General Body in its meeting held on 24/6/2006 and that the marks obtained by the candidates in the selection process was already out, which was produced by the petitioners themselves and hence no purpose will be served in conducting interview, since the secrecy of the selection process has been lost. Learned counsel appearing for the Bank further submits that the learned single Judge was not justified in interfering with the resolution passed by the Board of Directors, since if the petitioners have got any grievance, they could have approached the Joint Registrar or other authorities.

7. We are not expressing any opinion on the various contentions raised by the parties before us. In our view if the petitioners have got any grievance against the resolution passed by the Board, approved by the General Body, they have to approach appropriate authorities under the Co-operative Societies Act and the Rules and not before this this Court under Article 226 of the Constitution. We are therefore inclined to dispose of the appeals with an observation that it is open to the parties to approach the appropriate authority under the Co-operative Societies Act, if they are aggrieved by the decision taken by the Board of Directors as well as General Body. Writ appeals are therefore allowed and the judgment of the learned single Judge is set aside.

K.S. Radhakrishnan
Judge.

A.K. Basheer
Judge.

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